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Marriage in the Philippines After the Council of Trent (Seventeenth to Eighteenth Centuries)

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Abstract

The evangelisation of the Philippines took place after the Council of Trent; hence, from the beginning matrimony was governed by its canons and decrees. Until the provincial councils held in the 1770s, the Philippine Church followed the directives of the Third Mexican Provincial Council. Manuals for the administration of sacraments and for parish priests by authors based in the Philippines and published were primary references for the canonical form of marriage. Serving as a window into how Church authorities dealt with local situations and customs towards enforcement of Tridentine doctrine and law are the edicts, pastoral letters, and on occasion of diocesan visits, ordinances issued by bishops. On the micro-level, the dispensations granted for a variety of impediments and the matrimonial cases processed in the ecclesiastical court of Manila show the nuances of law and justice, taking into account pastoral considerations, personal circumstances, and local customs. They also demonstrate the understanding of litigants of the attributes of canonical marriage as well as the level of assimilation of the same.

Missionary literature from the first century of evangelisation mentions common difficulties encountered in introducing Christian marriage vis-à-vis indigenous institution: the doctrine of the unity and indissolubility of marriage, the primordial requirement of consent, and the matter of impediments. The cases discussed by moral theologians indicate the prevalence of those issues well into the eighteenth century, especially in missionary districts and rural areas.

Keywords: Marriage, Philippines, canon law, indigenous custom, colonial society

Marya Svetlana T. Camacho

Marriage in the Philippines After the Council of Trent (Seventeenth to Eighteenth Centuries)

Excelso's Garcia's work on marriage during the Spanish colonial period in the Philippines is to date the most comprehensive historical study on canonical marriage in this part of Ibero-Asia. In fact it stands solitary amidst the dearth of scholarship on the history of marriage in the Philippines in this particular period.[1] It reviews matrimonial legislation and practice applied in the colony: these include laws originally promulgated for the universal Church and the Americas, others issued for the particular governance of the local Churches, and normative literature that offers insights into indigenous society and mores. Garcia notes the collaboration between the secular and ecclesiastic authorities in establishing canonical marriage as the only valid kind of conjugal union, whether to secure it among Spaniards or to institute it among natives. The latter entailed repeated efforts to eradicate customs deemed incompatible with Catholic marriage.

This essay draws much from Garcia's seminal work as a required reference for the sources of matrimonial legislation in Spanish colonial Philippines. It also borrows some perspectives from John Leddy Phelan who summarises the key aspects of the transition to Christian marriage within the framework of Filipino assimilation of Christianity.[2] Being focused on the implementation of canonical marriage as defined and regulated by the Council of Trent, particularly among the indigenous population, it begins with a brief description of their matrimonial customs seen through Spanish lenses, as an introduction to the ensuing normative encounter. It examines other normative literature and moral theological opinions vis-à-vis the main sources of canon law. To the extent that documentation permits (mostly from the eighteenth century), it looks into agency, whether that of ecclesiastical authorities in the way they implemented matrimonial prescriptions, or of the natives who were the subject of consultations or were involved in matrimonial litigation. The latter demonstrate the understanding of litigants of the attributes of canonical marriage as well as the level of assimilation of the same. While this essay covers the archdiocese of Manila and its three Philippine suffragan dioceses, the archival sources used pertain to the first. Without pretending to be comprehensive, it provides more than a passing glimpse into the implantation of Tridentine doctrine on marriage in Spanish colonial Philippines, as the particular local conditions constituted a differentiated ground compared to the other parts of the Iberian world.

The evangelisation of the Philippines took place after the Council of Trent; hence, from the beginning matrimony was governed by the Council's canons and decrees. After the diocese of Manila was separated from Mexico, it was unable to hold its own provincial council until the last quarter of the eighteenth century. Through the papal brief *Exponi Nobis Nuper* (1626), received in Manila in 1635, the third Provincial Council of Mexico was applied to the Philippine Church.[3] Manuals for the administration of sacraments and for parish priests by authors based in the Philippines and published were primary references for the canonical form of marriage. Serving as a window into how Church authorities dealt with local situations and customs towards enforcement of Tridentine doctrine and law are the edicts, pastoral letters, and on occasion of diocesan visits, ordinances issued by bishops. The *actas* of the provincial council of Manila (1771)[4] and the synod of Calasiao (1773)[5] summarise the concerns and efforts of the Church to teach the holiness of the sacrament of marriage and ensure its validity, and instil the discipline with which to promote canonical marriage in accord-

1 Garcia (1973).
2 Phelan (2011) 61–65.
3 Anales eclesiásticos, fs. 43r–44r. Archbishop Juan Ángel Rodríguez affirmed this in a letter to the king dated 5 May 1739 (AGI, Filipinas, 291, N. 23). The brief issued by Urban VIII was requested by the archbishop of Manila Miguel García Serrano after the failed attempt to celebrate a provincial council in 1621 (Fernández [1988] 94).
4 Williams (1955–1956) 45; Bantigue (1957).
5 Smith (1970) 101–107.

ance with the Council of Trent. On the micro-level, the dispensations granted for a variety of impediments and the matrimonial cases processed in the ecclesiastical court of Manila show the nuances of law and justice, taking into account pastoral considerations, personal circumstances, and local mores.

1 The Normative Encounter: Making Sense of Indigenous Marriage

On the subject of marriage, missionary literature dealing with the period of contact describes at varying lengths the features of Philippine matrimonial customs that presented challenges to Christian marriage and ultimately to baptism. The missionaries needed to understand indigenous matrimonial customs if they were to institute Christian marriage deeply. Nonetheless it was a lay person, Miguel de Loarca, a soldier who spent time in the Visayan region, who articulated that need early on.

> Grandes yerros se An hecho en los casamientos q^{e} se an hecho entre los naturales desta tierra despues de Auer se hecho xpianos por no aver sacade bien en limpio la consumacion q^{e} tenian en sus matrimonios, y ansi Vnos Religiosos casan a vnos y otros los descasan, y otros los buelven a casar, y assi a avido grandissimas confusiones (…).[6]

Spanish chroniclers – most of whom were religious – quickly discerned that concubinage, more than polygamy, was practiced, especially among the Visayan elite. They observed that the natives were, for the most part, monogamous. But divorce was readily initiated, and through their lenses they perceived that its main consequence was material: the party with just cause received damages in the form of the »dowry«, that is, whether it was to be restituted to the husband who had originally given it, or remained with the wife whose family had received it. Another major problematic area was that of diriment impediments of consanguinity and affinity. The missionary authors concurred that generally the natives did not marry within the first degree of consanguinity. They reported that the first task of missionaries was to disentangle marriages, both of those to be baptised as well as of the newly baptised, to determine whether diriment impediments existed.[7]

In the first decades of evangelisation consultations to Rome on the application of canonical marriage abounded, such as what might constitute valid marriage among non-Christians; if divorce as practiced by them might be considered licit; could impediments be dispensed for the sake of conversion to Christianity; who was the legitimate wife if a man had several simultaneously or in succession? The answers came from privileges previously granted to neophyte Christians, as E. Garcia more than sufficiently elaborates.[8] Between the first bishop of Manila Domingo de Salazar and the religious orders there arose a controversy over the faculty of the religious to grant dispensation from matrimonial impediments and jurisdiction over cases involving recent converts among the natives. It led the Augustinians to consult Alonso de Veracruz, whose lengthy reply was reproduced by the Augustinian chronicler Gaspar de San Agustín.[9] The letter presents a historical summary of the privileges granted by popes from the late medieval period onwards. He first addressed the burning question of the authority of the religious to dispense from impediments of consanguinity and affinity up to the second degree, that is, in what was not ordained by divine or natural law.[10] A large part of his discussion revolved around how that authority was compatible with the Tridentine decree that marriage to be valid should be administered by the parish priest. The religious were, in effect, parish priests by papal privilege. As for their faculty to dispense from matrimonial impediments, these being in the realm of conscience, it was within their jurisdiction as local pastors. Veracruz assured Salazar that allowing the religious who were assigned to minister to mis-

6 Blair/Robertson (1973), vol. 5, 152 and 154.

7 Chirino (1604) 69–71; Colin (1663) 72; Aduarte (1693) 144. A lay author who dealt with Tagalog society and culture was Morga (1961) 301–302.

8 Garcia (1973) 53–75.

9 San Agustín (1698) 394–409. The Augustinian chronicler produced the letter is reproduced in its entirety.

10 The decree (tit. 2, c. 507) of the Third Provincial Council of Mexico regarding impediments of consanguinity and affinity did not include the privileges of neophyte Christians promulgated by different popes. On the other hand, the express prohibition of marriage between siblings, which might occur among pagan natives (tit. 2, c. 509), implied certain latitude outside the limits set by Trent.

sions or parishes to continue exercising the aforementioned faculties would not undermine episcopal authority. San Agustín reported that his reply seemed to appease the bishop. The Augustinian chronicler also mentioned that the Franciscans made use of Veracruz's exposition in addressing questions presented at the Mexican Provincial Council of 1585.

2 Handbooks for Clergy

While presumably the handbooks for the administration of sacraments published in Spain and Mexico were used in the Philippines during the early colonial period, they were not sufficient for the pastoral work among the natives. Thus, the need to produce manuals locally was felt and then accomplished. Alonso de Mentrida's work, *Ritual para administrar los santos sacramentos* underwent three editions, the last two being posthumous.[11] It was a straightforward vehicle for the sacramental rites drawn from the Roman missal with some practical notes. It included the summary (*declaración sumaria*), made upon the request of Viceroy Luis de Velasco of New Spain, of the papal bulls (Leo X, Hadrian VI, Paul III) granting the mendicant religious orders various faculties, among them the administration of sacraments and jurisdiction over matrimonial cases. This inclusion may be construed as an explicit defence of the controverted faculties. In view of the earlier dispute with the bishop of Manila, this addendum was of weighty importance.[12]

Mentrida faithfully followed the Council of Trent as well as the Third Mexican Council, while adding some provisions useful for application among the natives of the Philippines. For example, he noted that to avoid lawsuits and quarrels, if the betrothed belonged to different parishes, they usually got married in the woman's parish, in accordance with the Mexican Council; but he added that the couple should be given the freedom to choose where they would want to have the wedding. He inserted the special provisions allowing *indios* to marry within the third degree of consanguinity and affinity or a mixture of third and second degrees between the spouses. He entered into detail about how to treat hidden as well as publicly known impediments with a view to ensuring the validity of marriages contracted.[13]

With regard to nuptial blessings, he followed the extraordinary provisions issued by the archbishop of Manila Miguel García Serrano (1618–1629) in consultation with religious orders, which allowed them to be given during periods forbidden by the Church, to facilitate marriages in remote places to which ministers could attend but a few times a year.[14] Although the Mexican Council put two *tomines* as the maximum charge for the arrhae, Mentrida advised the parish priest not to stipulate any amount but rather to accept what the *indios* would voluntarily give; indeed he should have arrhae on hand for use in any wedding.[15]

The section on the marriage of *infieles* follows closely Church doctrine which had been developed since the late medieval period. In an organic manner, several of the following statements derive from the declaration that pagan marriage was true marriage. One of the rules mentioned was that when both spouses were baptised, their previous marriage being valid according to their native customs, became ratified and indissoluble by virtue of baptism. They would be given the nuptial blessing, which Jesuit historian Pedro Chirino mentioned was done as a matter of course, »renovando sus matrimonios al uso Christiano«.[16] This section was a veritable compilation of the different situations encountered by religious ministers and main questions that had been addressed successively by popes, expressed in their basic outlines. After presenting the different permutations of possible scenarios, Mentrida restated the key elements of canonical marriage without which it would become null.[17]

The initial stage of conversion to Christianity, in which the main questions were those that had been resolved previously in the Americas and applied to the Philippines, proved to be prolonged in the Philippines as some areas remained as mission territories. Well up to the end of the eighteenth century, we find moral cases addressing questions

11 For information on the book and the author, see Rodríguez (1966) 75–81.
12 On these faculties corresponding to the clergy in the Philippines, see Garcia (1973) 60–63.
13 Mentrida (1630) 82, 84–85.
14 Garcia (1973) 77.
15 Mentrida (1630) 86.
16 Chirino (1604) 106.
17 Mentrida (1630) 87–92.

relative to neophyte Christians, for which guidelines had been set by several Popes for the Americas, with some updated concessions for the Philippines.[18] In his manual for clergy published a century after Mentrida's work, Tomás Ortiz still devoted two sections on the marriage of natives who wished to convert to Christianity.[19]

By the eighteenth century, handbooks for clergy had surpassed Mentrida's rulebook approach and became more elaborate to cover the key aspects of canonical marriage, following the Council of Trent just as closely, but this time more attuned to indigenous mentality and customs. The Franciscan Sebastián de Totanes rendered in Tagalog the parish priest's interventions in the different steps, which ran parallel to the more concise text of the Augustinian Tomás Ortiz.[20] Totanes' work presented in detail the different moments for asking whether any party was aware of existing impediments. It appealed to the parents or guardians of the bride and groom to live up to their responsibility of ensuring that their children would enter marriage chaste and to keep the wedding celebration sober, reminding them that they were celebrating a Christian and not a pagan marriage.[21] Ortiz insisted on the need to facilitate marriage so as to avoid illicit relationships; sometimes it would require wedding them without the wedding Mass or *velaciones*, not making them wait, but rather eliciting and witnessing their exchange of consent »quando, donde, y como quisieren se puedan presentar«. Another way was to charge them the fee that they could afford, if at all. Later in the century, the synod of Calasiao would insist on the same celerity, impugning parish priests for negligence in urging the faithful not to delay marriage.[22] The Dominican Manuel del Río advised caution in marrying off cohabiting. Oftentimes they agreed to marriage merely to avoid punishment, without full consent. He did not consider it the right way of resolving the moral issue but rather recommended that punishment be meted out and only afterwards should the determination of free consent be made.[23]

3 The Philippine Scenario

At the end of the period covered in this essay, in 1806, the continuance of the same matrimonial concerns was evident in the letter of the Recollect Fr. Tomás Aillon, parish priest in a remote town of the island of Mindoro, located off the southern coast of Luzon. He asked the archbishop of Manila to grant him various faculties and jurisdiction over matrimonial questions such as dispensation from impediments and ratification of marriages, given that even the vicar forane was too far to ensure the timely resolution of the many irregular situations existing in his parish. In this way he wished to address two common problems that prevented the natives from contracting marriage, and thereby reduce the cases of cohabitation without availing of the sacrament. The first was the presence of migrants who had wanted to marry local women but could not do so because they refused to comply with the requirement of providing proof that they were free to marry. In worse cases, they had left the prospective spouse behind, unmarried and with children. The other problematic situation was that of men and women alike whose spouses had been taken captive by Muslim raiders from the south. Wishing to marry again, they could not obtain proof that their spouse was deceased. With regard to marriage banns, Aillon pointed to the impossibility of issuing them in the town of origin of migrants and the consequent need to waive them, as well as the need to expedite marriage by issuing banns on a non-festive day like Saturday when people also gathered in church.

Upon consultation, the theologians of the University of Santo Tomas issued a collegial opinion to grant Fr. Aillon all the faculties requested in view of the objective difficulties he faced. It was a privilege historically endorsed by the crown to religious missionaries. With regard to *vagabundos*, they referred to chapter 7 of the Tridentine decree on marriage, clarifying that it applied to people whose background could not be known. They recommended that the parish priest should still be

18 See, for example, the moral cases prepared by Simón Fernández. AUST, Libros, t. 61.

19 Ortiz (1731) N. 74–75. On Ortiz and his work, see Rodríguez (1966) 326–432.

20 Ortiz (1731) N. 23–26. Totanes (1865) 8–29; the first edition was published in 1745.

21 Totanes (1865) 11–13.

22 Smith (1970) 105.

23 Río (1732) 10.

circumspect and demand information as much as possible, as imprudence and precipitation might lead to nullity of marriage. Similar care should be taken in assessing evidence for the death of a spouse taken captive. The theologians even specified questions and the manner of cross-checking testimonies to arrive at moral certitude to avoid bigamous marriage. They reasoned out thus: »Muchas veces se ha visto volver un cautibo despues de cinquenta años.« In the same vein, they ended with a summary advice with regard to non-Christians: to follow Pius V and Gregory XIII: »que el bautizado pueda elegir la que gustare entre las mugeres que tubo en su Infidelidad, y aun casarse con otra qualquiera.«[24]

It was not an uncommon situation for women to wait indefinitely for their husbands to return from voyages and military expeditions, unable to remarry until certain proof of the latter's demise could be presented. The position of the Philippine colonial Church on this matter proved consistent. During the sojourn of the Apostolic Missionary Abbot Giovanni Battista Sidotti in Manila on his way to Japan, he alerted the archbishop of Manila Francisco de la Cuesta to the plight of a number of women whose husbands had been officers and sailors on two ships that had apparently been lost, and who had sought the abbot's intervention. To them the remedy to their lack of economic means was a new marriage, which their current situation prevented. Upon consultation with the Dominican professors of the University of Santo Tomas, the women were deemed free to remarry.[25] The following year, a similar decree was issued for the wives of the men who had voyaged on another galleon, based on a similar consultation as well as past experience. Forming part of this declaration of freedom was the gathering of information that indeed those men had perished, inasmuch as two to three years had passed without any news of them. This time, the rationale stated was to prevent the undesirable consequence of extramarital relations should the women continue in that uncertain situation. In the last quarter of the seventeenth century, Juan de Paz, the famous Dominican moral theologian in Manila, firmly upheld canon law in similar cases, which required moral certainty – which a prudent man could obtain based on testimonies – that the husband had died before the wife could remarry.[26]

Apart from the juridical developments and pastoral measures adopted by the Philippine Church to institute canonical marriage on firm bases, another milestone was the creation of the ecclesiastical tribunal by the archbishop of Manila Miguel de Poblete in the mid-seventeenth century.

> Hizo Juzgado, y Tribunal publico, á donde despachasse el Provisor, (que nunca le había tenido). Crió todos los Ministros necessarios: y mandó Juntar todas las Caussas matrimoniales, nombrando dos Prebendados doctos, que juntam[te] con el Provisor las reconociessen, substanciassen, y concluyessen; y en menos de 6 meses se sentenciaron, y ajustaron 120: y muchos Maridos recibieron a sus Mugeres, con quienes estavan.[27]

3.1 Informaciones y Amonestaciones

In 1708 the archbishopric of Manila issued an edict requiring everyone, from Spaniards to *indios*, residents in the towns around Manila who had incurred a prolonged absence, to provide information, with the necessary testimonies, of their freedom to marry prior to getting married, as required by Trent. The directive was motivated by the observation that this requirement, which had been repeatedly commanded by previous prelates, continued to be neglected. The *indios tagalos* who had not been absent long from their hometown were exempt from this obligation. And to preempt the excuse of inability to pay the fee, the poor could give whatever they could afford or nothing at all. Nine years later, a similar decree was issued for more towns around Manila, as well as residents from other provinces. This time around, those who were too poor to pay the fee were exempt from giving information proving their freedom to marry.[28] The archbishop of Manila would insist

24 AUST, Becerros, 29A, fs. 215–224.
25 AAM, Libros de gobierno eclesiástico, Box 1.C.7, folder 9, f. 78v.
26 AUST, Libros, t. 23, fs. 134v–136r; fs. 281r–282r.
27 Anales eclesiásticos, f. 114.
28 AAM, Libros de gobierno eclesiástico, Box 1.C.7, folder 9, fs. 59v and 195r.

on it again in 1756 for all the inhabitants and vagabonds in the ten towns in Manila's environs.[29]

Among the ordinances that the bishop of Nueva Caceres, Felipe de Molina (1724–1738), promulgated for the provinces of Albay and Camarines in the Bicol region, was one exhorting parish priests to be diligent and careful in soliciting information to ensure freedom from matrimonial impediments, not leaving it to the *fiscal* celador, and taking pains to procure testimonies from the places of origin of the contracting parties, and facilitating it through proxies and reduction of costs.[30] The synod of Calasiao reiterated the need for parish priests to be strict about this requirement particularly in the marriage of vagrants. It referred to the pertinent chapter (24, seventh decree of the reform on marriage) of the Council of Trent. It did away with the clerical privilege to dispense with banns.[31] The rights and responsibilities of parish priests in this regard could become contentious in cases when a couple got married outside of their hometown, especially when the officiating priest failed to ask for information or certification of marriage banns, and worse, permission from the parish priest of the place of origin of the contracting parties.[32]

Dispensation from *amonestaciones* was granted to expedite marriage. It suffices to mention here a couple of examples from the eighteenth century. In the case from the town of Santa Cruz in the environs of Manila, the woman was quite ill and the man soon to sail.[33] In another case, dispensation from all three banns was recommended in view of the situation, that the woman had already born the man two children, who needed a mother to take care of them, especially the girl, even if the disparity of status between the contracting parties was great.[34]

3.2 Matrimonial Impediments

Arising from that transitional stage and continuing in Christianised colonial society, as an incessant concern, was the matter of diriment impediments, particularly those of consanguinity, affinity, and public honesty. The permutations of degrees of consanguinity and affinity, as well as the faculty for dispensing from them, were the subject of moral cases studied and consulted in the seventeenth and eighteenth centuries.[35] As a concession to being in the initial stage of conversion in the Philippines, Archbishop of Manila Miguel García Serrano obtained from Urban VIII a *Solita* (27 September 1624) granting the privilege for ten years of dispensing *indios* the impediment of affinity by illicit *cópula* which had not been revealed at the time of contracting marriage, without prejudice to the validity of marriage.[36] By 1714, we have a parish priest requesting dispensation for a couple that had gotten married before he found out that the man had incurred the impediment of affinity with illicit copulation but which had remained hidden. Should it be granted, he could proceed to instruct the husband of the nullity of the marriage and how it could be made valid.[37]

In the ecclesiastical court records of the Archdiocese of Manila there are a good number revolving around the impediment of public honesty; similarly, in those consulted with moral theologians. The common resolution particularly in cases in which the woman was pregnant or bore children was two choices for the male party, either to marry the woman or to give her a sum of money sufficient for her sustenance. Forcing into marriage was not recommended, as it would violate the essential condition of freedom of consent and made for bad marriages. Should one of the parties refuse to accede to the options, the advice given was to find a third party who could persuade him or her to agree to the option deemed best for both parties.

The relevance of local mores regarding marriage, including the importance of social equality, is manifest in the decisions of judges and opinions of their consultants. In a case of a Spaniard who absolutely refused to marry the woman he had promised to marry and had lost her virginity to him, Juan de Paz advised not to oblige him to

29 AAM, Libros de gobierno eclesiástico, Box 1.C.9, folder 5, fs. 121r–122v.
30 AUST, Libros, t. 27, fs. 187r–187v. See also Río (1732) f. 9r–9v.
31 Smith (1970) 102 and 104.
32 For example, see AAM, Informaciones matrimoniales, Box 14.B.4, folder 4.
33 AAM, Libros de gobierno eclesiástico, Box 1.C.8, folder 7, f. 36r.
34 AUST, Libros, t. 23, f. 156r–157v.
35 For example, see AUST, Becerros, t. 24, 25 and 29; Libros, t. 23, 61, and 63.
36 Decree promulgated by García Serrano on 16 November 1626, originally from AUST, Libros, t. 32; reproduced by Rodríguez (1986) 382–383.
37 AAM, Libros de gobierno eclesiástico, Box 1.C.8, folder 3, fs. 76r–78r.

marry but remained firm in the recommendation that the impediment held while he did not give the woman, apparently a mulatta, the stipulated amount of money for damages. He reasoned out,

> No estaba bien al bien comun de esta tierra, donde ay tan pocos Españoles, q[e] essos se casen con Negras, ni podia estar bien a ella; porq[e] los españoles, q[e] se casan con Negras, suelen tratarlas como a sus Esclavas, especial[te] casandose a disgusto.

In a case of a similar nature but between two natives, Paz concluded that the social differences were not large enough to release the man from his obligation to marry the woman, since his social status would not be diminished by the marriage as the man had claimed. The only way out was to persuade the woman to agree to receive a generous sum. In another case of dispensation, both man and woman alleged that they would find it difficult to get a spouse since the former was poor and consequently could not afford a decent arrhae in keeping with his elevated social status, while the woman had little skill to be able to earn a living. However, the locals reported that many poor *principales* could get worthy women without necessarily providing a handsome arrhae. In short, there was no lack of further opportunities to find a spouse free of impediment. Invoking the Tridentine canons (sess. 24, c. 5 and sess. 25, c. 18), Paz saw no compelling reason for recommending dispensation.[38]

A case brought to the *juez provisor* in 1758 involved a couple, both belonging to the elite of the Tagalog town of Morong, who went to the neighbouring town of Binangonan to get married since the family of the girl opposed the union. Confronted by the girl's relatives, she then sought refuge in the house of the *fiscal celador*. The impediment of second-degree affinity on the part of the groom was discovered in the process. The parish priest of Morong deemed that it would better for the couple not to get married in his parish considering that the girl's family was powerful enough to prevent the marriage. Dispensation was granted and the marriage banns were ordered to be made in Morong to further justify the legality of the marriage.[39] Thus was the freedom of marriage defended over family influence.

The different types of dispensation found in the *libros de gobierno eclesiástico* of the Archdiocese of Manila were motivated by different circumstances and considerations. In one case of spiritual relationship received in 1713, the Jesuit consultors advised granting a dispensation for them to marry secretly to amend their scandalous situation, but after which their married status should be made public for the same reason of the common good, that is, to remove the scandal.[40] Most others were cases of first degree of affinity,[41] some of them with illicit copulation, and of consanguinity within the second degree, for which usually acts of penance were imposed.[42] One case involved *indios principales* on both sides, so reneging on the promise of marriage because of hidden illicit copulation would cause much scandal; granting dispensation was therefore recommended.[43] A 1783 petition was made by a Chinese mestiza who had relations with her deceased husband's younger brother. She cited several reasons which mirror moral values of those times: to obtain the grace of the sacrament, to avoid public shame in her town, to gain legitimacy for the child she had with the brother-in-law, and since both her parents were deceased, to avoid being abandoned by her relatives and be forced to leave town and become a vagabond. The parish priest ordered them to separate in the meantime, but the two continued in their illicit relationship and were finally condemned to render labour for one year.[44] At mid-century, two cases of second-degree consanguinity were granted dispensation by the archbishop of Manila. The first was in consideration of the poverty of the couple, who lived on hard work, and therefore needed to be wedded as soon as possible; thus the requisite marriage banns

38 AUST, Libros, t. 23, fs. 133v–135r, 251v–254v, 291v–296r.

39 AAM, Informaciones matrimoniales, Box 14.A.2, folder 3.

40 AAM, Libros de gobierno eclesiástico, Box 1.C.8, folder 3, f. 81r.

41 AAM, Libros de gobierno eclesiástico, Box 1.C.8, folder 4, f. 106r; Box 1.C.9, folder 1, f. 154r; Box 1.C.9, folder 4, fs. 80v–81r.

42 AAM, Libros de gobierno eclesiástico, Box 1.C.9, folder 1, fs. 135v–136r; Box 1.D.10, folder 4; Box 1.D.10, folder 5, f. 116r.

43 AAM, Libros de gobierno eclesiástico, Box 1.C.9, folder 4, fs. 116v–117r.

44 AAM, Informaciones matrimoniales, Box 14.A.3, folder 13.

were waived.[45] The second, requested from the province of Pampanga, was in view of the conciliatory effect that the marriage would have on the families of the contracting parties, condition which the parish priest had certified.[46]

3.3 Pagan Remnants: Bride Wealth, Bride Service, Extravagant Wedding Celebrations

In regard to the indigenous customs of bride wealth (also called »bride price«) and bride service, the information gap on the seventeenth century may be partly bridged by different sources of local Church law produced at the turn of the century onwards. Phelan posits that because Plasencia's study on the customs of the Tagalogs and Kapampangans, which was the basis for adjudicating cases involving natives, did not include bride price and bride service, these customs were not juridically protected.[47] However, Plasencia did mention the »dowry« or *dote* given by the bridegroom when marriage was arranged, which was the conceptual equivalent of bride price. The moral arguments against it in subsequent years considered it indefensible merely on the grounds of custom. Although the third Council of Mexico had issued a canon (cap. 10, tit. 1) prohibiting the purchase of brides and cohabitation before marriage,[48] in the Philippines the most resounding condemnation in the same vein was issued by General Domingo de Zabalburu in 1704 upon the petition of Archbishop Diego Camacho y Ávila. The decree applied law 6, tit. 1, libro VI of the Recopilacion de las leyes de Indias: »Que los indios no puedan vender sus hijas para contraer matrimonio.«[49] It was a collaborative endeavour of secular and ecclesiastical authorities to promote morality in a private sphere with great public transcendence. While the aforementioned decree was intended to preserve women's freedom to marry by prohibiting the practice of bride wealth, Zabalburu's decree focused on prohibiting the custom of bride service for its immoral consequences: »contra la Castidad, como contra la Justicia.« Bride service gave the prospective groom easy access to the girl and other females in the household, while not guaranteeing that the man would get what he had worked for as he was at the mercy of the girl's parents. Bride price was a coercive practice as it committed the girl to the man that her parents had chosen because he could give more.[50] The synod of Calasiao went to the extent of proposing a reasonable amount of fifteen to twenty pesos in silver or gold to be given by the groom so as not to postpone marriage or break betrothals.[51] Henceforth, the prohibitory decree became the key referent for subsequent legal interventions to eliminate the custom. The law was increasingly complemented by normative literature produced in the first half of the eighteenth century, which was replete with admonitions against these twin practices (bride service being a modality of bride price). Manuals for parish priests, together with official pastoral pronouncements of bishops and provincial councils, formed a unified discourse against the evils of those customs throughout the eighteenth century.[52]

Archival evidence of the effectiveness of these normative interventions is limited, and therefore inconclusive. Nonetheless, a case dated in 1782 sheds light on the force of the law, on the one hand, and on the other, how natives skirted the law in order to keep such deeply rooted customs.[53] A man from the Tagalog town of Baras pursued the fulfilment of the promise of marriage which the girl and her family had broken, claiming that he had not served them sufficiently in building their house and on the farm. Witnesses testified that he had actually provided material and work animals for construction of the house and the farm, as well as hired men to plough the fields and provided meals for the construction workers. He had done this to avoid the punishment stipu-

45 AAM, Libros de gobierno eclesiástico, Box 1.C.9, folder 1, fs. 127r–127v.
46 AAM, Libros de gobierno eclesiástico, Box 1.C.9, folder 1, fs. 135r–135v.
47 Phelan (2011) 64–65.
48 Martínez Ferrer (2009) 566.
49 This royal decree originated in the Ordenanzas para el buen gobierno de los indios given by Juan Maldonado Paz, oidor of the Audiencia of Guatemala during his visit in the province of Verapaz, dated in Camaiaque, 19 December 1625 (Tovilla [1960] 31). Rípodas Ardanaz ([1977] 239, fn. 49) also cites the related law 14, tit. 6, libro 6 de la Recopilación de leyes de Indias, which was a royal decree addressed to the Audiencia of Perú, 17 December 1551. In the Recopilación it reads: »Que los caciques no reciban en tributo á las hijas de sus Indios.«
50 Díaz (1745) fs. 54v–55r; Martínez de Zuñiga (1803) 163; AUST, Libros, t. 27, f. 157r.
51 Smith (1970) 105.
52 Garcia (1973) 20–32; Bantique (1957) 192; Smith (1970) 104–106.
53 AAM, Informaciones matrimoniales, Box 14.A.3, folder 12.

lated for violating the prohibition on bride service. Some years prior the parish priest had persuaded town authorities to apply the law rigorously. The 1751 pastoral letter of archbishop of former Manila Pedro de la Santísima Trinidad and various orders of *alcaldes mayores* were likewise cited as deterrents, as the penalties stipulated had already been applied in some cases. The parish priest clarified that, according to law, the party who received the service was to be punished, and not the person who served to remove the fear of telling the truth. The court established that the betrothal had been concerted and that the girl's family's alleged reason did not hold, and therefore the girl should fulfil the promise of marriage. In the parish priest's report, he noted that indigenous marriages were arranged by families, and the girl in this case was merely following the will of her parents.

The Augustinian Casimiro Díaz, author of *Parrocho de indios*, placed the »abuses« in the celebration of marriage in the section on the care that the parish priest should have to extirpate pagan beliefs and customs.[54] This classification indicates the theological import of disciplinary matters such as bride wealth and bride service. Díaz went as far as to state: »solo tienen de Christiandad celebrarles *in facie Ecclesie* pero en el dote servicio del varon, festejos, todo es de gentilismo, y indecente de q^{e} se permita.« Against the custom of bride wealth and parents' selfish choices, he defended the children's freedom to marry whom they wished.

Díaz and Ortiz, as well as the bishops and provincial councils, decried what they judged as excesses in wedding festivities, and did not tire of reminding the faithful to celebrate with Christian sobriety. A particular indication was to avoid holding such events in the fields, far from the church, and ending them before night fell, as such unguarded circumstances fostered unbridled freedom and sexual unrestraint.[55] The manual of Totanes included an admonition addressed to parents in this regard, especially the well-to-do who could afford lavish celebrations, warning them against pride, vanity and mundane joy.[56]

4 Concluding Remarks

Phelan categorically states that the implantation of the Christian ideal of marriage among the indigenous population »represents one of the most enduring achievements of the Spanish religious.«[57] The collaboration of secular authorities on various levels may be added to this statement; aside from the governor's decrees, the aid of *alcaldes mayores* was invoked and the role of members of the town elite in providing testimonies regarding people involved in matrimonial cases cannot be undervalued. The other conclusion of Phelan is that during the first century of colonial rule many socioeconomic aspects of pre-Hispanic Filipino marriage remained largely unchanged.[58] Certainly, the customs of bride wealth and bride service, as well as the extravagant wedding celebrations were not suppressed, and indeed continued to some extent well into the twentieth century. Notwithstanding the persistence of customs, behaviour, and values deemed incompatible with canonical marriage, which pastoral interventions sought to change, evidence exists that the values of monogamy and indissolubility, of freedom of marriage, of chastity made inroads were slowly implanted. Normative interventions, both institutional and individual, put the key features of canonical marriage in place. The extent of implementation and assimilation generally followed the degree of Christianisation of indigenous society in different locations.

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54 Díaz (1745) fs. 54r–55v.
55 Ortiz (1731) N. 76–77; Smith (1970) 106.
56 Totanes (1865) 12.
57 Phelan (2011) 65.
58 Ibid.

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